

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Northwest Missouri Cellular Limited Partnership,)	
)	
)	
Complainant,)	
)	File No. EB-03-MD-013
v.)	
)	
Cingular Wireless, LLC d/b/a Cingular Wireless,)	
)	
)	
Defendant.		

ORDER

Adopted: September 13, 2004

Released: September 14, 2004

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On August 13, 2003, Northwest Missouri Cellular Limited Partnership (“NWMC”) filed with this Commission a formal complaint against Cingular Wireless, LLC d/b/a Cingular Wireless (“Cingular”) pursuant to section 208 of the Communications Act of 1934, as amended (the “Act”),¹ and sections 22.907, 22.911, and 22.351 of the Commission’s rules.² The complaint alleges, among other things, that Cingular violated the Commission’s rules by deploying Global Systems for Mobile Communications (“GSM”) without properly coordinating its channel assignments and by extending its coverage into NWMC’s protected Cellular Geographic Service Area (“CGSA”) without NWMC’s consent.³ By agreement of the parties, the complaint was held in abeyance pending mediation and settlement discussions.⁴

2. By letter dated September 7, 2004, counsel for NWMC requested that the formal complaint be reclassified as an informal complaint⁵ (as defined by section 1.716 of the Commission’s rules, 47

¹ 47 U.S.C. § 208.

² 47 C.F.R. §§ 22.907, 22.911, and 22.351.

³ Formal Complaint of Northwest Missouri Cellular Limited Partnership, File No. EB-03-MD-013 (filed Aug. 13, 2003).

⁴ Letter from Rosemary H. McEnery, Market Disputes Resolution Division, Enforcement Bureau, to counsel, File No. EB-03-MD-013 (rel. Aug. 29, 2003).

⁵ Letter from Michael K. Kurtis, counsel for NWMC, to Rosemary H. McEnery, Market Disputes Resolution Division, Enforcement Bureau, File No. EB-03-MD-013 (dated Sept. 7, 2004) (“Request to Convert”).

C.F.R. § 1.716). Counsel for Cingular informed staff that Cingular does not object to NWMC's request.

3. We are satisfied that granting the Request to Convert will serve the public interest by promoting the settlement of this dispute and by postponing the need for litigation and expenditure of further time and resources of the parties and of this Commission until such time as may actually be necessary.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3, 1.716-18, and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.716-18, 1.720-36, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Request to Convert IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3, 1.716-18, and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.716-18, 1.720-36, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that NWMC's formal complaint be converted to an informal complaint with a designated filing date of August 13, 2003.

6. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3, 1.716-18, and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.716-18, 1.720-36, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the file number for the informal complaint is EB-04-MDIC-0100.

7. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3, 1.716-18, and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.716-18, 1.720-36, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the docket established in the above-captioned formal complaint proceeding shall be transferred in its entirety to the newly established informal complaint docket.

8. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3, 1.716-18, and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.716-18, 1.720-36, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the period within which the informal complaint may be converted to a formal complaint under sections 1.717-18 of the Commission's rules, 47 C.F.R. §§ 1.717-18, shall end on March 14, 2005, unless extended by further order.

9. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3, 1.716-18, and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.716-18, 1.720-36, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that, on or before March 14, 2005, either party may move to re-convert the informal complaint to a formal complaint by filing and serving a motion requesting that the informal complaint be re-converted to a formal complaint, or by filing an amended formal complaint.

10. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications

Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3, 1.716-18, and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.716-18, 1.720-36, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that either party, or the Commission on its own motion, may, upon a showing of good cause, move for an extension of the March 14, 2005 re-conversion date.

FEDERAL COMMUNICATIONS COMMISSION

Lisa Griffin
Deputy Chief, Market Disputes Resolution Division
Enforcement Bureau